

AMENDED IN ASSEMBLY APRIL 15, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2083**

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**Introduced by Committee on Education (Brownley (Chair),  
Arambula, Buchanan, Carter, Eng, Solorio, and Torlakson)**

February 18, 2010

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An act to amend Section 53201 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 2083, as amended, Committee on Education. School accountability.

Existing law, ~~commencing April 12, 2010,~~ requires the Superintendent of Public Instruction and the State Board of Education to establish a list of low-achieving schools and persistently lowest-achieving schools, as defined. In identifying the persistently lowest-achieving schools, the Superintendent and state board are required to identify schools according to specified criteria, including, but not limited to, a criterion relating to a school's graduation rate.

This bill, for the criterion relating to a school's graduation rate, would provide that until data becomes available to enable the calculation of this graduation rate according to specified provisions of law, the Superintendent and the state board shall use the closest possible approximation of that graduation rate, *calculated for each of the previous 3 years*, using existing data.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 53201 of the Education Code, as added by Section 8 of Chapter 2 of the Fifth Extraordinary Session of the Statutes of 2010, is amended to read:

53201. The Superintendent and the state board shall establish a list of schools according to the following:

(a) Identify any Title I school in improvement, corrective action, or restructuring.

(b) Identify the lowest 5 percent of the schools in subdivision (a) as measured by the academic achievement of all pupils in a school in terms of proficiency on the state's assessment under Section 1111(b)(3) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) in reading/language arts and mathematics, combined pursuant to subdivision (h).

(c) Identify any secondary school that is eligible for, but that does not receive, Title I funds and is in the lowest 5 percent of secondary schools as measured by the academic achievement of all pupils in a school in terms of proficiency on the state's assessment under Section 1111(b)(3) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) in reading/language arts and mathematics, combined pursuant to subdivision (h).

(d) Add to the schools identified pursuant to subdivisions (a) to (c), inclusive, any high school that has had a graduation rate, as defined in Section 200.19(b) of Title 34 of the Code of Federal regulations, that is less than 60 percent in each of the previous three years. Until data becomes available to enable the calculation of this graduation rate so defined, the Superintendent and the state board shall use the closest possible approximation of that graduation rate, *calculated for each of the previous three years*, using existing data.

(e) To the extent allowable under federal law, exclude from the schools identified pursuant to subdivisions (a) to (d), inclusive, a school that meets any of the following, except as provided in subdivision (f):

(1) The school is a county community school operated pursuant to Chapter 6.5 (commencing with Section 1980) of Part 2 of Division 1 of Title 1.

1 (2) The school is a juvenile court school operated pursuant to  
2 Article 2.5 (commencing with Section 48645) of Chapter 4 of Part  
3 27.

4 (3) The school provides educational services exclusively to  
5 individuals with exceptional needs as defined in Section 56026.

6 (4) The school has experienced academic growth of at least 50  
7 points over the previous five years as measured by the Academic  
8 Performance Index, using the most recent data available.

9 (f) Notwithstanding subdivision (e), a school that meets any of  
10 the criteria in subdivision (e) shall not be excluded from the schools  
11 identified pursuant to subdivisions (a) to (d), inclusive, if both the  
12 Superintendent and the state board find cause not to exclude the  
13 school.

14 (g) To the extent allowable under federal law, a community day  
15 school, operated pursuant to Article 3 (commencing with Section  
16 48660) of Chapter 4 of Part 27, may be excluded from the schools  
17 identified pursuant to subdivisions (a) to (d), inclusive, if both the  
18 Superintendent and the state board find cause to exclude the school.

19 (h) For the purposes of identifying the lowest 5 percent of the  
20 schools pursuant to subdivisions (b) and (c), the Superintendent  
21 and the state board may use a methodology consistent with the  
22 methodology used to calculate the Academic Performance Index  
23 in order to create composite results across content areas and grade  
24 levels in reading/language arts and mathematics pursuant to  
25 subdivisions (b) and (c), unless the Superintendent and the state  
26 board develop a more appropriate methodology to meet the  
27 requirements of subdivisions (b) and (c).

28 (i) Prior to the implementation of subdivision (h), the  
29 Superintendent and the state board shall notify the appropriate  
30 policy and fiscal committees of the Legislature.